

Administrative Policy _____ Open Records Request Response Policy

**City of Lawton,
Oklahoma**

**212 SW 9th Street
Lawton, OK 73501**

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A. Purpose.

The City of Lawton, Oklahoma (the "City") is committed to serving the Citizens of Lawton as a transparent governing body. This policy affirms the City's commitment to providing consistent and accurate dissemination of information pursuant to the Oklahoma Open Records Act ("ORA"), 51 O.S. §§ 24A.1. through 24A.32.

The goal is to establish and maintain guidelines for the City's response to requests for records subject to ORA to interested third parties and the general public in compliance with state law and the City's continuing transparency undertakings.

"As the Oklahoma Constitution recognizes and guarantees, all political power is inherent in the people. Thus, it is the public policy of the State of Oklahoma that the people are vested with the inherent right to know and be fully informed about their government. The Oklahoma Open Records Act shall not create, directly or indirectly, any rights of privacy or any remedies for violation of any rights of privacy; nor shall the Oklahoma Open Records Act, except as specifically set forth in the Oklahoma Open Records Act, establish any procedures for protecting any person from release of information contained in public records. The purpose of this act is to ensure and facilitate the public's right of access to and review of government records so they may efficiently and intelligently exercise their inherent political power. The privacy interests of individuals are adequately protected in the specific exceptions to the Oklahoma Open Records Act or in the statutes which authorize, create or require the records. Except where specific state or federal statutes create a confidential privilege, persons who submit information to public bodies have no right to keep this information from public access nor reasonable expectation that this information will be kept from public access; provided, the person, agency or political subdivision shall at all times bear the burden of establishing such records are protected by such a confidential privilege. Except as may be required by other statutes, public bodies do not need to follow any procedures for providing access to public records except those specifically required by the Oklahoma Open Records Act." 51 O.S. §24A.2.

B. Scope

For purposes of this Policy, the City shall mean any office, department, board, bureau, commission, agency, trusteeship, authority, council, committee, component unit, trust or any entity created by a trust, executive office, advisory group, task force, subdivision, any entity created by the City Council or State law for which the City Council serves as the governing or legislative body, or for which at least one Council member serves as a member of the governing or legislative body in his or her official capacity, any entity for which the City is a beneficiary or otherwise has a fiduciary interest, specifically including any such entity supported in whole or in part by public funds or entrusted with the expenditure of public funds or administering or operating public property. Specifically excluded from this policy is the Lawton Police Department, as it processes records requests separately pursuant to its own internal open records request response policy. This policy covers all City employees, officials, appointees, representatives, and persons authorized in behalf of the City to be responsible for preparing, reviewing, or approving records. Note: the Open Records Act does not impose any additional recordkeeping or record creation requirements on public bodies or officials.

C. Responsibilities of the Open Records Request Coordinator

The City Clerk shall be the Open Records Request Coordinator, and, in consultation with the City Attorney as necessary, is responsible for:

1. Serving as the point of contact with the general public;
2. Accepting and processing records requests;
3. Effectuating the delivery of responsive records and releasing the same;
4. Monitoring compliance by the City with this Response Policy, including timely dissemination of responsive records;
5. Recommending changes to this Response Policy to the City Attorney as necessary or appropriate;
6. Consulting and coordinating with the City's various Departmental Records Custodians as well as Directors, as needed, in the preparation and dissemination of responsive records;
7. Immediately delivering responsive records from the appropriate Departmental Records Custodians to the City Attorney;
8. Maintaining records documenting the City's compliance with this Policy;
9. Controlling the continuity of efforts within responsive Departments to the extent required by this Policy; and
10. Coordinating on-going training of City staff/officials required by this Policy.

D. Responsibilities of Directors

The Directors are responsible for:

1. Designating Departmental Records Custodians within their respective Departments;

2. Ensuring that the Departmental Records Custodians are equipped with the tools and resources necessary to properly and thoroughly maintain all records of their Departments;
3. Providing the Departmental Records Custodians with the information and technology necessary to efficiently redact requested records and adequately identify exemptions and exceptions;
4. Determining which Departmental Records do not necessitate a request under the Open Records Act due to their being produced during the routine course of business;
5. Establishing Departmental Records retention procedures, if the same do not currently exist;
6. Recommending changes to this Response Policy to the City Attorney as necessary or appropriate; and
7. Monitoring compliance by the Department as a whole, the Departmental Records Custodian, and all Departmental employees with this Response Policy, including timely dissemination of responsive records.

E. Responsibilities of the Departmental Records Custodians

The Departmental Records Custodians, under the supervision of the Directors, and in consultation with the City Attorney as necessary, are responsible for:

1. Accepting and processing records requests;
2. Identifying responsive records;
3. Scrubbing, redacting, and applying exceptions and exemptions from responsive records;
4. Consulting and coordinating with the Departmental Director, as needed, in the preparation and dissemination of responsive records;
5. Frequently relaying informational status updates to the Open Records Request Coordinator; and

6. Efficiently and timely delivering responsive records to the Open Records Request Coordinator.

F. Responsibilities of the City Attorney

The City Attorney is responsible for:

1. Reviewing the records to insure they are responsive to the request;
2. Confirming that the exceptions/exemptions are proper;
3. Applying any additional redactions deemed necessary;
4. Verifying that the City is in full compliance with the Open Records Act;
5. Periodically evaluating the effectiveness of this Policy and reviewing and proposing updates or amendments thereto, as he deems necessary;
6. Making the final determination of appropriateness and timing for the release of the responsive records; and
7. Prompt delivery of the responsive records to the Open Records Request Coordinator for final dissemination.

G. Responsibilities of the Community Relations Director

The Community Relations Director, in consultation with the City Attorney as necessary, is responsible for:

1. Uploading responsive records to the Open Records Reading Room;
2. Clearly and descriptively indexing the contents of the Open Records Reading Room to make the same easily navigable for the public;
3. Maintaining the Open Records Reading Room, including routine checks to insure that there are no impediments when attempting to access its contents; and

4. More widely disseminating responsive records on topics she deems to be of particular public interest, utilizing a variety of media outlets including, but not limited to, the City's website and official social media accounts.

H. Response Processing Procedure

Each Open Records Request will be handled using the following procedure:

1. All Open Records Request forms will be submitted to the Open Records Request Coordinator who will immediately log the request, create a working file and action tracker, and identify the appropriate responsive Department. The action tracker will be an electronic mirror of the progression of the working file. All participants in the response processing procedure will be required to update the action tracker to notate any updates, changes, or concerns, in the same fashion as the physical working file;
2. Once the appropriate responsive Department is identified, the Open Records Request Coordinator will deliver the request and working file to the appropriate Director;
3. The Director will log receipt of and review the request before tasking the Departmental Records Custodian with identifying responsive records and preparing the same for release;
4. Once the Departmental Records Custodian has processed the request by preparing the responsive records for release, the same will be delivered to the Director for final review, after which they will be forwarded to the City Attorney and update the action tracker to reflect such delivery;
5. The City Attorney will log receipt of and review the request and all responsive documents, exceptions, and exemptions before giving the final approval on releasable documents;
6. The City Attorney will forward the final response to the Open Records Request Coordinator for dissemination and update the action tracker to reflect such delivery;
7. The Open Records Request Coordinator will log receipt of the final response and immediately facilitate release of the same to the requestor;
8. Once the requestor has accepted and paid for the response, the Open Records Request Coordinator will cause an electronic copy of the same to be delivered to the Community

Relations Director for uploading into the Open Records Reading Room; and

9. Once the Community Relations Director uploads and indexes the records, she will update and then append the action tracker to the relevant records in the Open Records Reading Room, thereby officially completing the process.
10. If at any time it is determined that, either due to the nature and/or scope of the request or if the request would create excessive disruptions of essential functions, requested records cannot be compiled within ten days (10) of receipt of the request, the Open Records Request Coordinator will contact the requesting party to inform them of an estimated response timeline, not to exceed thirty (30) days.

I. Training for Employees and Issuer Officials

Mandatory state-level compliance courses must be attended annually by all City employees and officials of the City who are responsible for preparing, reviewing, or approving records for release. Ongoing training will be coordinated by the Open Records Request Coordinator and will include education on processing procedures under this Policy, the City's compliance obligations under applicable state and municipal laws, and the responsibilities and potential liabilities of members of the City staff and City Council. Such training may be provided by guest speakers, webinars and conference attendance, subject to the approval of the City Attorney.

J. Responsible Department: City Clerk.

K. Effective Date: This Policy became effective on the 15th day of May, 2021.



MICHAEL CLEGHORN
CITY MANAGER

Appendix A

City of Lawton, Oklahoma
OPEN RECORDS REQUEST FORM

212 SW 9th Street, Lawton, Oklahoma 73501

580-581-3305, (Fax) 580-581-3315

lawtonok.gov/departments/city-clerk

Traci Hushbeck, City Clerk/Open Records Request Coordinator

Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information – Please Print

First Name _____ MI _____ Last Name _____

E-mail Address _____

Mailing Address _____

City _____ State _____ Zip _____

Telephone _____ FAX _____

Preferred Delivery: Pick Up _____ US Mail _____ On-Site Inspect _____ Fax _____ E-mail _____

Is this request for retail, trade, or other commercial purpose? _____

Is this request in the public interest as more specifically defined in 51 O.S. § 24A.4 b *? _____

Signature _____ Date _____

*Pursuant to 51 O.S. § 24A.4 b, if the release of records is in the public interest, including, but not limited to, release to the news media, scholars, authors, and taxpayers seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants.

Payment Information

Maximum Authorized Cost \$ _____

Select Payment Method

Cash Check Money Order Exempt*

Fees: 8.5"x14" or smaller size pages - \$0.25 per page

11"x17" size pages - \$0.75 per page

Other sizes - provided on request, subject to availability

Delivery: Delivery / postage fees - additional depending upon delivery type.

Extras: Special service charges may be assessed; dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the Open Records Request Coordinator has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

AGENCY USE ONLY

Est. Document Cost _____

Est. Delivery Cost _____

Est. Extras Cost _____

Total Est. Cost _____

Deposit Amount _____

Estimated Balance _____

Deposit Date _____

AGENCY USE ONLY

Disposition Notes

Coordinator: If any part of request cannot be delivered in ten business days, detail reasons here.

In Progress - Open _____
Denied - Closed _____
Filled - Closed _____
Partial - Closed _____

AGENCY USE ONLY

Tracking Information

Final Cost

Tracking # _____ Total _____

Rec'd Date _____ Deposit _____

Ready Date _____ Balance Due _____

Total Pages _____ Balance Paid _____

Records Provided

Coordinator Signature _____

Date _____

DEPOSITS

The coordinator may require a deposit against costs for reproducing documents whenever the coordinator anticipates that the documents requested will cost in excess of \$5 to reproduce.

Where a special service charge is warranted under ORA, that amount will be communicated to you as required under the statute. You have the opportunity to review and object to the charge prior to it being incurred. If, however, you approve of the fact and amount of the special service charge, you may be required to pay a deposit or pay in full prior to reproduction of the documents.

YOUR REQUEST FOR RECORDS IS DENIED FOR THE FOLLOWING REASON(S):

(To be completed by the Open Records Response Coordinator – check the box of the numbered exemption(s) as they apply to the records requested. If multiple records are requested, be specific as to which exemption(s) apply to each record. Response is due to requester as soon as possible, but no later than ten days.)

- ☐ records protected by a state evidentiary privilege (such as the attorney-client privilege, the work product immunity from discovery, and the identity of informer privileges);
- ☐ records of what transpired during meetings of a public body lawfully closed to the public (such as executive sessions authorized under the Oklahoma Open Meeting Act);
- ☐ personal information within driver records as defined by the Driver's Privacy Protection Act, 18 USC §§ 2721 through 2725;
- ☐ records related to internal personnel investigations (including examination and selection material for employment, hiring, appointment, promotion, demotion, discipline, or resignation);
- ☐ records the disclosure of which would constitute a clearly unwarranted invasion of personal privacy (such as employee evaluations, payroll deductions, employment applications submitted by persons not hired by the public body);
- ☐ records which reveal home addresses, telephone numbers, and social security numbers of any person employed or formerly employed by the public body;
- ☐ personal notes and personally created materials of a public official other than departmental budget requests of a public body prepared as an aid to memory or research leading to the adoption of a public policy or the implementation of a public project;
- ☐ records which if disclosed would give an unfair advantage to competitors or bidders;
- ☐ bid specifications for competitive bidding prior to publication by the body;
- ☐ contents of sealed bids prior to the opening of bids by a public body;
- ☐ computer programs or software but not the data thereon;
- ☐ appraisals relating to the sale or acquisition of real estate by a public body prior to award of a contract;
- ☐ the prospective location of a private business or industry prior to public disclosure of such prospect except for records otherwise open to inspection such as applications for permits or licenses;
- ☐ records which contain credit information, credit card numbers, telephone numbers, social security numbers, bank account information for individual utility customers;
- ☐ library, archive, or museum materials donated to the public body to the extent of any limitations imposed as a condition of the donation and any information which would reveal the identity of an individual who lawfully makes a donation to or on behalf of a public body including but not limited to donations made through a foundation operated in compliance with 70 O.S. §§5-145 and 4306, except when such donation may be claimed as a tax deduction, in which case the date of the donation, appraised value claimed for the donation, and a general description of the materials donated and their quantity are not excepted from disclosure;
- ☐ litigation files and investigatory reports of the office of the City Attorney;
- ☐ any information related to research, the disclosure of which could affect the conduct or outcome of the research, the ability to patent or copyright the research, or any other proprietary rights any entity may have in the research or the results of the research including, but not limited to, trade secrets and commercial or financial information obtained from an entity financing or cooperating in the research, research protocols, and research notes, data, results, or other writings about the research;
- ☐ the specific terms and conditions of any license or other commercialization agreement related to state owned or controlled technology or the development, transfer, commercialization of the technology, or any other information relating to state owned or controlled technology or the development, transfer, or commercialization of the technology which, if disclosed, will adversely affect or give other persons or entities an advantage over public bodies in negotiating terms and conditions for the development, transfer, or commercialization of the technology;
- ☐ vulnerability assessments of critical assets in both water and wastewater systems. State environmental agencies or public utilities may use the information for internal purposes or allow the information to be used for survey purposes only. The state environmental agencies or public utilities shall allow any public body to have access to the information specifically related to the public body's function;

☐ OTHER: _____

THIS LIST IS NOT EXHAUSTIVE, AND SPECIFICALLY EXCLUDES EXCEPTIONS RELATING TO LAW ENFORCEMENT RECORDS.

As used in the Oklahoma Open Records Act, "record" does not mean: computer software; nongovernment personal effects; and personal financial information, credit reports or other financial data obtained by or submitted to a public body for the purpose of evaluating credit worthiness, obtaining a license, permit, or for the purpose of becoming qualified to contract with a public body.

(The Oklahoma Open Records Act, 51 O.S. §§ 24A.1 through 24A.32)

1. All government records are subject to public access under the Open Records Act ("ORA"), unless specifically exempt.
2. A request for access to a government record under ORA must be in writing, hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the Open Records Request Coordinator. The ten (10) day response time does not commence until the Open Records Request Coordinator receives the request form. If you submit the request form to any other officer or employee of the **City of Lawton**, that officer or employee must either forward the request to the Open Records Request Coordinator, or direct you to the Open Records Request Coordinator.
3. Requestors may not submit requests anonymously. If you elect not to provide a name, address, or telephone number, or other means of contact, the Open Records Request Coordinator is not required to respond until you reappear before the Open Records Request Coordinator seeking a response to the original request.
4. The fees for duplication of a government record in printed form are listed on the front of this form. We will notify you of any special service charges or other additional charges authorized by State law or regulation before processing your request. Payment shall be made by cash, check or money order payable to the **City of Lawton**.
5. **You may be charged a 50% or other deposit when a request for copies exceeds \$25.** The **City of Lawton** custodian will contact you and advise you of any deposit requirements. You agree to pay the balance due upon delivery of the records. Anonymous requests in excess of \$5.00 require a deposit of 100% of estimated fees.
6. Pursuant to Administrative Policy No. _____, the **City of Lawton** will make every effort to accommodate your request for access to government records within ten (10) days after the Open Records Request Coordinator receives the request. If at any time it is determined that requested records cannot be compiled within that time, either due to the nature and/or scope of your request or if your request would create excessive disruptions of essential functions, the Open Records Request Coordinator will contact you to inform you of an estimated response timeline, as well as the estimated cost for reproduction of the same.
7. If the **City of Lawton** is unable to comply with your request for access to a government record, the Open Records Request Coordinator will indicate the reasons for denial on the request form or other written correspondence and send you a signed and dated copy.
8. Except as otherwise provided by law or by agreement with the requester, if the Open Records Request Coordinator of records fails to respond to you within ten (10) days of receiving a request, the failure to respond is a deemed denial of your request.
9. Information provided on this form may be subject to disclosure under the Open Records Act.

Appendix B

Chapter A-1 - GENERAL PROVISIONS

Article A-1-2 - Standard rules—Notices, warrants, inspections, fees, bonds.

Pursuant to Section 1-205 of this code and for purpose of providing a clear and concise listing of the fees and charges authorized by the provisions of this code in payment for licenses, permits and services performed in accordance with the regulations and controls upon which the licenses and permits are conditioned and to provide uniformity in the supervision and administration of the issuance of licenses and permits and the collection of the amounts prescribed, a schedule of fees and charges, or fee schedule, is hereby set forth in this appendix. Heading give the titles of the appropriate chapters and articles as applicable.

Article A-1-2A - Miscellaneous.

**ALL FEES* PRICED PER PAGE OR PORTION
THEREOF TO THE NEXT SMALLER SIZE**

Size	Electrostatic	Blueline	Microfilm- Sepia	Color Plot/Map	Certification
8 ½" × 14" or smaller	.25	n/a	.25	1.75	.75
11" × 17"	.50	n/a	.50	n/a	.50
18" × 24" or smaller	n/a	2.50	n/a	n/a	1.00
24" × 36"	2.75	2.75	5.00	3.00	1.00
36" × 30"	3.00	3.00	n/a	3.25	1.00
36" × 36"	3.50	3.50	n/a	3.75	1.00
36" × 42"	4.00	4.00	n/a	4.25	1.00
36" × 48"	4.50	4.50	n/a	4.75	1.00
36" × 60"	5.00	5.00	n/a	5.25	1.00

42" × 48"	n/a	5.25	n/a	n/a	1.00
42" × 60"	n/a	5.50	n/a	n/a	1.00
42" × 120"	n/a	7.50	n/a	n/a	1.00
Aerials	5.00	5.00	n/a	5.25	1.00
1 Set of Zoning Maps	n/a	70.00	n/a	n/a	n/a
1 Set of Base Maps	n/a	70.00	n/a	n/a	n/a
Agenda Packet-City Council, Boards, Commissions, etc. with supporting documents	.25	n/a	n/a	n/a	n/a
Agenda Packet-City Council Annual Subscription **	200.00	n/a	n/a	n/a	n/a
Agenda-City Council, Boards/Commissions, etc., without supporting documents	No Charge	n/a	n/a	n/a	n/a
Annual Subscription**:					
Parks & Rec. Comm.	100.00	n/a	n/a	n/a	n/a
Lake & Lands Comm.	100.00	n/a	n/a	n/a	n/a
LMAPC	100.00	n/a	n/a	n/a	n/a

Local police records checks for law enforcement and governmental agencies	No Charge
Local police records checks and Fire Dept. incident records checks and reports for outside agencies (commercial use)	\$5.00 (Total Cost)
Local police records checks and Fire Dept. incident records checks and reports for individuals (personal use)	\$1.00 (Total Cost)
Commercial purpose and disruption of essential function document search	\$10.00 (per hour plus copy cost)
Computer aided search	Assessed by Computers Services Supervisor based on machine time, labor and materials, and copy cost.
Documents, Plans Report, Studies	2.075 cents per page, including covers and binding, does not include cost of color maps/plots

* Fees indicated are the per page cost for the size indicated or any portion thereof to the next smaller size indicated. A "page" is a document which is printed on one side. Certification is per copied page in addition to the copy cost.

** To be picked up at the City Clerk's Office or appropriate department's office.

(Res. No. 98-119, Amended, 07/15/1998)

Appendix C

will be provided once links are created...